

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 20, 2005

The Marlboro Township Council held its regularly scheduled meeting on January 20, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 17, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Stephen Piper, Esq., Acting Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine read into the record a press release giving the details of the Marlboro Township seal contest. Discussion followed during which Ms. Levine made the following announcements: Marlboro Police Dept. Traffic & Safety Bureau reminding residents to "Drive to Survive"; polls are open for the School Referendum 12 - 9PM, January 25th; Recreation Summer job applications are now available at the Recreation Center and

Marlboro High School with a deadline of Feb. 4th; Marlboro Recreation Department's upcoming senior programs and Marlboro Township Municipal offices will be closed on Friday, Feb. 11th in observance of Lincoln's Birthday and Monday, Feb. 21st in observance of Washington's Birthday and President's Day.

Councilman Mione moved that the minutes of December 2, 2004 be approved. This motion was seconded by Councilman Denkensohn and the minutes as amended were passed on a roll call vote of 5 - 0.

Council President Pernice opened the Public Hearing on Ordinance # 2005-1 (Amending Chapter 4 - Business Administrator). After the Public Hearing and discussion, the resolution/ordinance was passed on a roll call vote of 3 - 2, with Councilman Denkensohn and Councilman Mione voting no.

RESOLUTION # 2005-36

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4
"ADMINISTRATION OF GOVERNMENT," ARTICLE VIII "DEPARTMENT OF
ADMINISTRATION," SECTION 4-42 "DEPARTMENT ESTABLISHED;
ORGANIZATION

which was introduced on January 6, 2005, public hearing held January 20, 2005, be adopted on second and final reading this 20th day of January, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2005-37/Ord. #2005-2 (Disclosure of Campaign Contributions by Applicants before Zoning and Planning Boards) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-37

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-2

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 "CODE OF ETHICS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE CONTRIBUTION DISCLOSURE STATEMENTS AND CONFLICT DISCLOSURE STATEMENTS IN APPLICATIONS FOR MAJOR ZONING VARIANCES, WAIVERS AND EXCEPTIONS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 17, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-2

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 "CODE OF ETHICS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE CONTRIBUTION DISCLOSURE STATEMENTS AND CONFLICT DISCLOSURE STATEMENTS IN APPLICATIONS FOR MAJOR ZONING VARIANCES, WAIVERS AND EXCEPTIONS.

WHEREAS, municipal Master Plans include well thought out, long term decisions about the development capacity of the community; and

WHEREAS, municipal Master Plans are implemented through the enactment of local land use ordinances; and

WHEREAS, deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:550-70d and N.J.S.A. 40:55D-70c, as well as exceptions and waivers pursuant to N.J.S.A. 40:55D-51, provide opportunities for significant private gain; and

WHEREAS, openness in government and a fair and impartial variance, waiver and exception application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the application process; and

WHEREAS, the disclosure of political contributions and certain relationships by property owners, developers, redevelopers and professionals will enhance the Township of Marlboro's existing commitment to openness in government and provide further guarantee for a fair and impartial application and approval process; and

WHEREAS, the disclosure of political contributions and certain relationships by property owners, developers, redevelopers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare; and

WHEREAS, the Mayor and Township Council, having considered the foregoing, believe that it is in the best interests of the residents of the Township of Marlboro to enact the within Ordinance.

NOW THEREFORE, BE IT ORDAINED, that it is accordingly found and determined that the paramount public interest in enhancing the Township of Marlboro's commitment to openness in government, and in providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare, requires the disclosure of political contributions and certain relationships by property owners, developers, redevelopers and professionals within the Township of Marlboro as a component of making an application to the Township of Marlboro for certain approvals, and requires the supplementation of the municipal application checklists to mandate the listing of specified political contributions made by property owners, developers, redevelopers and the professionals whose services they use and the disclosure of any business, financial, social or family relationships between the property owners, developers, redevelopers or professionals whose services they use and any member of the Township of Marlboro Planning Board or Zoning Board of Adjustment; and

BE IT FURTHER ORDAINED, that Sections 14-1 through 14-14 of Chapter 14 "Code of Ethics" of the Code of the Township of Marlboro are hereby codified under a new Article I entitled "Ethical Standards; Ethical Standards Board."

BE IT FURTHER ORDAINED, that Chapter 14 "Code of Ethics" is hereby amended and supplemented to include the following new sections under an Article II entitled "Zoning Contribution and Conflict Disclosure Statements":

§ 14-15 Definitions

A. Application Checklist - The term "Application Checklist" means the list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

B. Developer - The term "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

C. Professional - The term "Professional" means any person or entity whose principals are required to be licensed by New Jersey law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

D. Contribution - The term "Contribution" means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

E. Contribution Disclosure Statement - The term "Contribution Disclosure Statement" means a list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committees of, or pertaining to, the Township of Marlboro, made prior to filing the application with or seeking approval from the Township, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the Township.

F. Conflict Disclosure Statement - The term "Conflict Disclosure Statement" means a statement outlining any business, financial, social or family relationships between the property owner, Developer, any associate of the Developer and/or any Professional and any current member of the Municipal Agencies.

G. Municipal Agencies - The term "Municipal Agencies" means the Township of Marlboro Planning Board and Zoning Board of Adjustment.

§ 14-16 General Provisions

A. Disclosure Requirements

1. Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55d-70c or a waiver or exception pursuant to N.J.S.A. 40:55D-51 in conjunction with any application for a subdivision, not considered a minor subdivision pursuant to Chapter 84, or a site plan, not considered a minor site plan pursuant to Chapter 84, shall include in its application a Contribution Disclosure Statement and Conflict Disclosure Statement for all Developers involved in the said application; all associates of said Developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all Professionals who apply for or provide testimony, plans, or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the relevant Municipal Agency a Contribution Disclosure Statement and a Conflict Disclosure Statement for said owner.
2. During the pendency of the application process until the final approval associated with the application is granted, any applicant required to comply with this ordinance shall amend its Contribution Disclosure Statement and its Conflict Disclosure Statement to include continuing disclosure of all contributions

and relationships within the scope of the disclosure requirements of the above paragraph.

B. Inclusion of Contribution Disclosure Statements and Conflict Disclosure Statements as an Element of the Application Checklist

1. An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55d-10.3 to require that the Contribution Disclosure Statements and Conflict Disclosure Statements specified in paragraph "A" of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55d-70d, as well as for relief pursuant to N.J.S.A. 40:55d-70c, or for relief pursuant to N.J.S.A. 40:55d-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to Chapter 84.
2. The Township's Municipal Agencies shall amend their Application Checklists to include the Contribution Disclosure Statements and Conflict Disclosure Statements specified in paragraph "A" of this section.
3. An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements and Conflict Disclosure Statements are submitted.

C. Availability of Contribution Disclosure Statements and Conflict Disclosure Statements

All Contribution Disclosure Statements and Conflict Disclosure Statements shall be available for review by any member of the public in the office of the administrative officer for the relevant Municipal Agency.

D. Intent of Contribution Disclosure Statements and Conflict Disclosure Statements

It is the intent of this ordinance that Contribution Disclosure Statements and Conflict Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions

shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to all applications pending before the relevant Municipal Agency as of the effective date of this Ordinance and to any applications filed after said effective date.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Consensus of Council was to move Res. #2005-38/Ord. # 2005-3 (Historic Preservation Ordinance) to the next agenda for further discussion.

The following Resolution # 2005-39 (Advising and Consenting Appointment to Agricultural Advisory Committee- Dee Lembo) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-39

A RESOLUTION APPOINTING DEE LEMBO TO SERVE ON THE TOWNSHIP OF MARLBORO AGRICULTURAL ADVISORY COMMITTEE FOR A TERM OF ONE YEAR

WHEREAS, the Township Council of the Township of Marlboro approved Ordinance #2004-10, creating an Agricultural Advisory Committee under Chapter 98 "Open Space, Farmland and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 98-12 through 98-17; and

WHEREAS, pursuant to Section 98-13 of the Code of the Township of Marlboro, the Mayor has the right to appoint three citizens to the Agricultural Advisory Committee with the consent of the Township Council; and

WHEREAS, pursuant to Section 98-14 of the Code of the Township of Marlboro, two of the three citizens appointed to the Agricultural Advisory Committee shall serve for a one-year term, and one of the three citizens appointed to the Agricultural Advisory Committee shall serve for a two-year term; and

WHEREAS, by Resolution #2004-255, the Township Council consented to the following appointments to the Agricultural Advisory Committee: (i) Thomas Geran for an initial term of two years; and (ii) Penny Cevasco for an initial term of one year; and

WHEREAS, Penny Cevasco resigned from her position on the Agricultural Advisory Committee prior to taking her oath of office; and

WHEREAS, the Mayor desires to appoint Dee Lembo to the Agricultural Advisory Committee in place of Ms. Cevasco for a term of one year.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, by the Township Council of the Township of Marlboro that DEE LEMBO is hereby appointed to the Agricultural Advisory Committee in place of Penny Cevasco for an initial term of one year.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township of Marlboro Planning Board
- b. Township Administrator
- c. Gluck Walrath, LLP.

The following Resolution # 2005-40 (Advising and Consenting Appointment of Business Administrator - Judith Tiernan) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-40

A RESOLUTION CONFIRMING THE APPOINTMENT OF
JUDITH TIERNAN AS THE BUSINESS ADMINISTRATOR
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, pursuant to N.J.S.A. 40:69A-44 and Section 4-42 of the "Code of the Township of Marlboro", the Township's Department of Administration is headed by a Director who is known and designated as the Business Administrator; and

WHEREAS, pursuant to N.J.S.A. 40:69A-43, the Mayor has appointed Judith Tiernan to serve as the Business Administrator, with the advice and consent of the Township Council, for a term to coincide with the term of office of the Mayor, and until the appointment and qualification of her successor, subject to the adoption of Ordinance #2005-1.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That it hereby advises and consents to the appointment of Judith Tiernan to serve as the Business Administrator for the Township of Marlboro, for a term to coincide with the term of office of the Mayor, and until the appointment and qualification of her successor. This appointment shall be effective upon the effective date of Ordinance #2005-1.
2. That the Township Council hereby provides its approval for Judith Tiernan to reside outside of the municipality during her tenure of office and authorizes the Mayor to enter into an employment contract with Judith Tiernan establishing the salary, wages, or other compensation paid to perform the duties of Business Administrator.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Judith Tiernan
 - b. Chief Financial Officer
 - c. Gluck Walrath LLP, Township Attorney

The following Resolution # 2005-41 (Appointment Zoning Board - to fill expired term of Steven Sukel expiring 12/31/05) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of

5 - 0 in favor.

RESOLUTION # 2005-41

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint JACK ZATZ as a member of the Zoning Board of Adjustment, to fill the unexpired term of Steven Sukel, such term to expire December 31, 2005; and

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints JACK ZATZ to serve as members of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

The following Resolution # 2005-42 (Requesting to remain under COAH Jurisdiction and committing to petition with Third Round Affordable Housing Plan) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-42

RESOLUTION REQUESTING TO REMAIN UNDER THE JURISDICTION OF THE
COUNCIL ON AFFORDABLE HOUSING AND COMMITTING TO PETITION WITH
A THIRD ROUND AFFORDABLE HOUSING PLAN FOR MARLBORO TOWNSHIP,
MONMOUTH COUNTY

WHEREAS, Marlboro Township petitioned the Council on Affordable Housing (the Council) for substantive certification of a second round Housing Element and Fair Share Plan on July 27, 2004; and

WHEREAS, the Council adopted N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq., which were effective on December 20, 2004; and

WHEREAS, pursuant to N.J.A.C. 5:95-15.1(a), the Council shall no longer grant second round substantive certification; and

WHEREAS, substantive certification was not granted to Marlboro Township's petition prior to December 20, 2004; and

WHEREAS, pursuant to N.J.A.C. 5:95-15.1(b), to remain under the jurisdiction of the Council, a municipality that petitioned but did not receive second round substantive certification as of December 20, 2004 shall be required to submit a resolution from the governing body by February 20, 2005 that commits to file or petition for third round substantive certification in accordance with N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 by December 20, 2005; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, that Marlboro Township hereby requests to remain under the jurisdiction of the Council pursuant N.J.A.C. 5:95-15.1(b); and

BE IT FURTHER RESOLVED that Marlboro Township hereby commits to address its third round fair share obligation by filing or petitioning the Council for review and certification of a newly adopted housing element and fair share plan in accordance with N.J.A.C. 5:94 et. seq. and N.J.A.C. 5:95 et. seq. by December 20, 2005.

The following Resolution # 2005-43 (Bond Release Exxon Site Plan) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-43

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE EXXON SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Exxon Mobil Corporation for the release of the Performance Bond and Cash Bond being held by the Township for the Exxon Site Plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated December 15, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township

conditioned upon the payment of all fees required by the Developer's Agreement; and

WHEREAS, the Engineer's Report recommends the waiver of the requirement that a maintenance guaranty be posted; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Exxon Site Plan shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that the requirement that a maintenance guaranty be posted is hereby waived; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Exxon Mobil Corporation
- b. Federal Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-44 (Bond release Sunnyside Estates) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-44

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE SUNNYSIDE ESTATES SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Sunnyside Estates, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the Sunnyside Estates Subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated December 17, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon (1) the posting of a maintenance guaranty in the amount of \$64,375.00; and (2) the payment of all fees required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Sunnyside Estates Subdivision shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (1) the posting of a maintenance guaranty in the amount of \$64,375.00; and (2) the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Sunnyside Estates, LLC
- b. Lumbermens Mutual Casualty Co.
- c. Sovereign Bank
- d. Township Engineer
- e. Chief Financial Officer
- f. Gluck Walrath, LLP

The following Resolution # 2005-45 (Authorizing Professional Services Contract - Birdsall Engineering - COAH) was introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-45

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND BIRDSALL
ENGINEERING, INC. FOR THE CONTINUED PROVISION OF SPECIAL
PROJECT ENGINEERING/PROFESSIONAL PLANNER SERVICES RELATED
TO THE TOWNSHIP OF MARLBORO'S AFFORDABLE HOUSING FAIR
SHARE OBLIGATION

WHEREAS, by Resolution 2004-96, the Township entered into a contract with Birdsall Engineering, Inc. to provide professional planner services in connection with satisfying the Township's First and Second Round affordable housing obligation ("Initial Obligation") for an amount not to exceed \$50,000.00;

WHEREAS, the Township is currently in mediation with objectors in connection with its Initial Objection and it is required to develop a plan to satisfy its Third Round Affordable Housing Obligation in conformance with COAH Regulations;

WHEREAS, there exists a continuing need for the Township of Marlboro to employ a special project engineer/professional planner to prepare the Amended Fair Share Plan and Housing Element and to perform such other services deemed necessary to satisfy the Township's Initial Obligation and its Third Round Affordable Housing Obligation;

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal (the "Proposal") dated January 17, 2005, which is made a part hereof, to the Township addressing the continued provision of said services;

WHEREAS, the Proposal anticipates that the cost to continue to provide said services shall be an additional \$46,500.00 for a total amount of \$96,500.00; and

WHEREAS, the Mayor and the Township Council have deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to continue provide the aforementioned special project engineering/professional planner services for a total amount not to exceed \$96,000.00;

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution

authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of special project engineering/professional planner services in connection with satisfying the Initial Obligation and its Third Round Affordable Housing Obligation for a total amount not to exceed \$96,500.00 and in accordance with the Proposal attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolutions were carried to the February 3rd agenda: Res. # 2005-46 (Authorizing Professional Services Contract - THP, Inc. - Monmouth Housing Alliance Litigation, Res. # 2005-47 (Authorizing Professional Services Contract - JPM Construction - Monmouth Housing Alliance Litigation, Res. # 2005-48 (Authorizing Professional Services Contract - Thomas Planning Assoc. LLC - Monmouth Housing Alliance Litigation.

The following Resolution # 2005-49 (Authorizing Professional Services Contract - Stephanie Samuels - EAP) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-49

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
BETWEEN STEPHANIE SAMUELS, M.A., MSW, LSW OF
THE COUNSELING AND CRITICAL INCIDENT DEBRIEFING CENTER, LLC
AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF
PSYCHOLOGICAL REFERRAL SERVICES THROUGH THE
EMPLOYEE ASSISTANCE PROGRAM

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of psychological referral services through the Employee Assistance Program, whereby Township of Marlboro employees are given appropriate psychological referrals after an assessment and evaluation and are entitled to three (3) free sessions with the individual referred to; and

WHEREAS, on January 1, 2004, the Township of Marlboro entered into a one (1) year contract with Stephanie Samuels, M.A., MSW, LSW of the Counseling and Critical Incident Debriefing Center, LLC for the provision of said services (the "Contract"); and

WHEREAS, Stephanie Samuels, M.A., MSW, LSW of the Counseling and Critical Incident Debriefing Center, LLC has proposed that said Contract be renewed for an additional one (1) year period at the same fee to the Township of Marlboro of \$25.00 per employee assessed and evaluated; and

WHEREAS, Administration has recommended that the Township of Marlboro renew said Contract in accordance with the proposal submitted by Stephanie Samuels, M.A., MSW, LSW of the Counseling and Critical Incident Debriefing Center, LLC and has advised the Township Council that funding for the Contract is included in the Administration Budget; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Stephanie Samuels, M.A., MSW, LSW of the Counseling and Critical Incident Debriefing Center, LLC and the Township of Marlboro for the provision of psychological referral services through the Employee Assistance Program at a fee of \$25.00 per employee assessed and evaluated to be paid by the Township of Marlboro in an amount not to exceed \$3,275; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stephanie Samuels, M.A., MSW, LSW of the Counseling and Critical Incident Debriefing Center, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2005-50 (Authorizing Professional Services Contract - Mark White - Police EAP) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-50

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN MARK WHITE, Ph.D., P.A., LICENSED PSYCHOLOGIST AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of psychological referral services through an Employee Assistance Program for the employees of the Township of Marlboro Police Department; and

WHEREAS, the Township of Marlboro Police Department has received a proposal from Mark White, Ph.D., P.A., Licensed Psychologist, to provide psychological referral services through an Employee Assistance Program for the employees of the Township of Marlboro Police Department for a contractual retainer of \$3,500.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that

notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract for a term of one year, in a form legally acceptable to the Township Attorney, between Mark White Ph.D., Licensed Psychologist and the Township of Marlboro for the provision of psychological referral services through an Employee Assistance Program for a contractual retainer of \$3,500.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mark White, Ph.D., P.A., Licensed Psychologist
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2005-51 (Authorizing Professional Services Contract - Schoor DePalma - Tax Map Maintenance) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione and passed on a roll call vote of 4 - 1 in favor with Council Vice President Morelli abstaining.

RESOLUTION # 2005-51

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN SCHOOR DEPALMA AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PROFESSIONAL LAND SURVEYING SERVICES TO UPDATE THE TOWNSHIP TAX MAPS FOR CALENDAR YEAR 2005

WHEREAS, the Township of Marlboro is in need of professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2005; and

WHEREAS, Schoor DePalma has submitted a proposal dated January 12, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an hourly base rate of \$125.00 per hour for Project Professionals and \$140.00 per hour for the Project Manager; and

WHEREAS, the Proposal suggests that the Township anticipate a budget amount of \$35,000.00 for the provision of such services; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Schoor DePalma to provide professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2005 as outlined in the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Schoor DePalma and the Township of Marlboro for the provision of professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2005 for an amount not to exceed \$35,000.00 and in accordance with the terms, specifications and conditions of the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-52 (Authorizing Professional Services Contract - Labor Counsel - Matthew Giacobbe, Esq., Scarinci & Hollenbeck) was carried to the February 3rd agenda.

The following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor:
Res. #2005-53 (Award of State Contract - Recreation Copier),
Res. #2005-54 (Award of State Contract - Verizon Wireless), Res. #2005-55 (Award of Contract - Fence/Union Hill Softball Field-Taylor Fence), Res. #2005-56 (Award of Contract - Playground Equipment Hawkins Rd. Park - Whirl Construction), Res. #2005-57 (Award of Contract - Installation of Acoustical Treatment Multi-Purpose Room Rec. Center - Modern Fold/Styles), Res. #2005-58 (Redemption Tax Sale Certs. - Various), Res. #2005-59 (Refund 2004 Fourth Quarter Taxes - B. 155, L. 16.58), Res. #2005-60 (Refunds Mon. County Judgments - Various), Res. #2005-61 (Senior Cit. Deduction - B. 288, L. 29 C0142), Res. #2005-62 (Raffle License St. Gabriel's Church On premise 50/50), Res. #2005-63 - Raffle License St. Gabriel's Church Carnival Games), Res. #2005-64 - Raffle License St. Gabriel's Church Off premise 50/50).

RESOLUTION # 2005-53

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) SAVIN 4045
COPIER AND RELATED EQUIPMENT FOR THE RECREATION DEPARTMENT
STATE CONTRACT #A51464

WHEREAS, the Marlboro Township Recreation Department has recommended that the Township purchase one (1) Savin 4045 Copier and related equipment from Stewart Industries, 77 Elbo Lane, Mount Laurel, NJ 08054 under State Contract #A51464 for the amount of \$7,262.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Recreation Department; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0001-004-02039 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) Savin 4045 Copier and related equipment from Stewart Industries, 77 Elbo Lane, Mount Laurel, NJ 08054 under State Contract #A51464 for the amount of \$7,262.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stewart Industries, Mount Laurel, NJ
- b. Township Administrator
- c. Township Recreation Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-54

RESOLUTION AUTHORIZING THE PURCHASE OF CELLULAR PHONE
SERVICE AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT
STATE CONTRACT #A89850

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase cellular phone service and related equipment from Verizon Wireless, 302 Woodbridge Center Drive, Woodbridge, NJ 07095 under State Contract #A89850 for a discounted rate of 19% off of the monthly access; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said service and equipment to the Township of Marlboro Police Department; and

WHEREAS, funds are available in Current Account Number 5-01-162-232 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said service and equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase cellular phone service and related equipment

from Verizon Wireless, 302 Woodbridge Center Drive, Woodbridge, NJ 07095 under State Contract #A89850 for a discounted rate of 19% off of the monthly access, for a total amount not to exceed \$21,870; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Verizon Wireless, Woodbridge, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-55

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
FENCING AT THE RECREATION DEPARTMENT UNION HILL SOFTBALL
FIELDS

WHEREAS, the Marlboro Township Department of Recreation contacted certain companies to request estimates for the purchase and installation of fencing at the Recreation Department Union Hill Softball Fields; and

WHEREAS, the Department of Recreation received the following three estimates:

1. Taylor Fence, Co., Red Bank, New Jersey - \$15,510.00
2. Odyssey Fence, Howell, New Jersey - \$17,295.00
3. All-State Fence, Howell, New Jersey - \$17,475.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Recreation have reviewed the estimates received and recommend that a contract be awarded to Taylor Fence Co. for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0001-004-02058 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of fencing at the Recreation Department Union Hill Softball Fields from Taylor Fence Co., PO Box 126, Red Bank, NJ 07701; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Taylor Fence Co., Red Bank, NJ
- b. Township Administrator
- c. Township Department of Recreation
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-56

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
PLAYGROUND EQUIPMENT FOR HAWKINS ROAD PARK

WHEREAS, the Marlboro Township Department of Recreation contacted certain companies to request estimates for the purchase and installation of one (1) Mountain Range #85061 Unit and one (1) Double Bay Swing at Hawkins Road Park; and

WHEREAS, the Department of Recreation received the following estimates:

1. Whirl Construction, Port Monmouth, New Jersey - \$6,500.00
2. Rocket Construction, Jersey City, New Jersey - \$8,900.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Recreation have reviewed the estimates received and recommend that a contract be awarded to Whirl Construction for the purchase of the aforementioned item; and

WHEREAS, funds are available in Bond Ordinance Number X04-55-950-913 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of one (1) Mountain Range #85061 Unit and one (1) Double Bay Swing at Hawkins Road Park from Whirl Construction, 187 Main Street, PO Box 110, Port Monmouth, NJ 07758; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Whirl Construction, Port Monmouth, NJ
- b. Township Administrator
- c. Township Department of Recreation
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-57

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
ACOUSTICAL WALL/CEILING TREATMENT FOR THE RECREATION
DEPARTMENT COMMUNITY CENTER MULTI-PURPOSE ROOM

WHEREAS, the Marlboro Township Department of Recreation contacted certain companies to request estimates for the purchase and installation of acoustical wall/ceiling treatment for the Recreation Department Community Center Multi-Purpose Room; and

WHEREAS, the Department of Recreation received the following three estimates:

1. Modernfold/Styles Inc., Cherry Hill, New Jersey - \$13,335.00
2. Acoustical & Tackable Surfaces, Flemington, New Jersey - \$17,295.00
3. Controlled Acoustics Corp., New York, NY - \$16,290.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Recreation have reviewed the estimates received and recommend that a contract be awarded to Modernfold/Styles, Inc. for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0001-004-02042 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of acoustical wall/ceiling treatment for the Recreation Department Community Center Multi-Purpose Room from Modernfold/Styles Inc., 1128 S. Cornell Ave, Cherry Hill, NJ 08002; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Modernfold/Styles, Inc. Cherry Hill, NJ
- b. Township Administrator
- c. Township Department of Recreation
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-58

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$81,259.76 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$81,259.76 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
02-12	173/5	Wachovia-Coll Agt/	\$28,716.98
445 Spring Valley Rd.		SASS Muni IV Dtr	
		123 South Broad Street	
		PA 1328S	
		Philadelphia, PA 19109	

03-28	312/173	Crusader Servicing Corp.	36,458.25
10 Jean Court		179 Washington Lane	
		Jenkintown, PA 19046	

04-6	161/1	Fidelity Tax LLC	16,084.53
7 Center Street		P.O. Box 5707	
		Fort Lauderdale, FL 33310	

TOTAL:	<u>\$81,259.76</u>
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RESOLUTION # 2005-59

WHEREAS, a duplicate payment of 2004 fourth quarter taxes has been received from Countrywide Tax Services, in the amount of \$3,650.01, for Block 155 Lot 16.58, located at 206 Navajo Court, assessed to Ciro & Geraldine Niglio,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$3,650.01 to the Countrywide Tax Services.

RESOLUTION # 2005-60

WHEREAS, the Monmouth County Board of Taxation has granted judgments for 2004 Added Assessments as per the attached Schedule "A",

WHEREAS, taxes for the year 2004 have been paid in full, the Tax Collector is directed to refund the amount of \$600.10 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$600.10 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
295/2	Howell & Diane Sporn	\$424.62
18 Windham Way	18 Windham Way	
	Englishtown, NJ 07726	
331/54.04	P. Surapaneni & S. Gottipati	175.48
42 Robertsville Rd.	42 Robertsville Road	

Marlboro, NJ 07746

TOTAL: \$600.10

RESOLUTION # 2005-61

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2004 for Block 288 Lot 29 C0142, located on 142 Sunnymede Street, assessed to Ann Blair,

WHEREAS, taxes for the year 2004 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to above-mentioned taxpayer.

RESOLUTION # 2005-62

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 02-05 (On Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

July 21, 2004	6 - 11 PM
July 22, 2004	6 - 11 PM
July 23, 2004	6 - 11 PM
July 24, 2004	4 - 9 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2005-63

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL:03-05 (Carnival Wheels and Games) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

July 21, 2004	6 - 11 PM
July 22, 2004	6 - 11 PM
July 23, 2004	6 - 11 PM
July 24, 2004	4 - 9 PM

at St. Gabriel's Church grounds, 100 North Main Street,
Marlboro, N. J. 07746.

RESOLUTION # 2005-64

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 04-05 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on July 24, 2005 at 9:00 PM at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

At 10:25PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing COAH mediation, litigation and personnel. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held, and the executive session commenced at 10:35 PM.

RESOLUTION # 2005-65

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 20th day of January, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, COAH mediation, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:40PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot. (Absent: Morelli)

At 11:41PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot. (Absent: Morelli.)

MINUTES APPROVED: February 17, 2005

OFFERED BY: Morelli

AYES: 5

SECONDED BY: Pernice

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JOSPEH PERNICE
COUNCIL PRESIDENT